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Letter dated 28 August 2014 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council

I write to you in your capacity as President of the Security Council for the month of August.

With reference to Security Council resolution 2166 (2014), as well as my previous letter to the Council dated 1 August 2014, I have the honour to further inform you about the state of play of the investigations led by the Netherlands regarding the tragic downing of Malaysia Airlines flight MH17 over Ukrainian territory on 17 July 2014.

At the request of Ukraine, the Netherlands has taken the lead in coordination of international efforts regarding the incident with flight MH17. The Dutch approach is twofold:

- Recovery of the remains of the victims and their repatriation to their respective home countries
- An international technical investigation into the cause of the crash coordinated by the independent Dutch Safety Board, in accordance with annex 13 of the Convention on International Civil Aviation.

Recovery and repatriation

Concerning the recovery and repatriation efforts, the Netherlands, together with the Organization for Security and Cooperation in Europe, has been continuously and closely cooperating with the governments of Ukraine, Australia and Malaysia, both on the ground, and in Kiev and at the capital level. We have maintained close contact with all partner countries and international organizations involved to facilitate the investigation and to ensure safe access to the crash site.

Recovery efforts have so far resulted in the identification of 173 of the 298 victims (as at 22 August). This number will continue to rise slowly in the coming weeks, although it remains to be seen whether — and, if so, when — the full identification of all victims will be achieved.

Regrettably, efforts to recover possible remains and belongings have been severely hampered by the volatile security situation on the ground.

Continuing armed clashes in the area prevent any resumption of activities on site in the immediate future.

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The Netherlands remains fully committed to continuing its efforts on the ground, together with international partners, as soon as the situation allows for renewed safe access to the site.

Technical investigation

The international expert investigation into the cause of the crash is coordinated by the independent Dutch Safety Board. It includes experts from both the International Civil Aviation Organization (ICAO) and the European Aviation Safety Agency, as well as experts from Australia, France, Germany, Indonesia, Italy, Malaysia, the Russian Federation, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The investigation takes place in accordance with international regulations as stipulated in annex 13 of the Convention on International Civil Aviation.

The Netherlands would like to emphasize the independent and confidential nature of the investigation of the Dutch Safety Board, which stated that the MH17 crash should be the subject of an extensive in-depth investigation to form a complete, accurate and undisputed picture of the crash. This is by necessity a meticulous and time-consuming process; the resulting final report will therefore not be completed at short notice.

The Dutch Safety Board has informed us that, in accordance with ICAO regulations, a preliminary report presenting a first overview of preliminary facts will be published within the next few weeks. This public report will by no means draw definitive conclusions, as not all data will have been analysed by that time.

The Netherlands invites all parties to share any relevant information pertaining to the crash with the Dutch Safety Board.

Accountability

Let me take this opportunity to also inform the Council that the Netherlands remains fully committed to ensuring accountability for the downing of Malaysia Airlines flight 17.

The Netherlands Public Prosecution Service has started a criminal investigation under national jurisdiction to establish responsibility for this tragic incident, as have other countries affected. We will cooperate closely with the various national investigation and prosecution authorities involved and will actively further international cooperative efforts to ensure that those responsible will be held to account. On 28 July, a first international meeting, organized by Eurojust, took place in The Hague to that effect.

I would be grateful if you would circulate the present letter as a document of the Security Council.

(*Signed*) Karel J. G. **van Oosterom**